

Remarks/Arguments

Claims 1-25 are pending in this application.

Claim Rejections- 35 U.S.C. § 112, paragraph 2 (Indefiniteness)

The Examiner has rejected Claims 8, 10 and 11 under U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

The Examiner has stated there is insufficient antecedent basis for the limitation “the internal memory” as there is no prior recitation of an internal memory in the claim or its parent claims. Claims 8, 10 and 11 have been amended to correctly identify that the subject memory is the “write journal memory” of Claim 1.

Pursuant to the above comments and amendments, the Applicant respectfully requests that the Examiner’s rejections of Claims 1 and 25 under *35 U.S.C. § 112, paragraph 2 (Indefiniteness)* be withdrawn.

Claim Rejections- 35 U.S.C. § 102

The Examiner has rejected Claims 1-4, 10, 12-22, 24 and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,469,453 to Glider et al (Glider).

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). If anticipation is based upon the inherent teaching of a prior art reference, the Examiner must provide a rationale or evidence tending to show inherency. As stated in *In re Robertson*, “to establish inherency the extrinsic evidence must make clear that the missing descriptive matter is

necessarily present in the thing described in the reference, and that it would be recognized by persons of ordinary skill.” (emphasis added) *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Additionally, “inherency may not be established by probabilities or possibilities.” *Id.* Moreover, “the mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *Id.*

Independent Claims 1, 12, and 22 have been amended to include the limitation that, following reissue of the recovered write operations, the write journal log entries for the recovered write operations are transferred to a storage device. Support for this limitation can be found at paragraph 14, lines 13-14 of the Detailed Description of the present application. The merits of such a system would be readily apparent to one skilled in the art. For example, stored log data could be used to perform diagnostic analysis regarding the power instability which necessitated the recovery process.

Glider fails to disclose, teach or suggest that log entries for the recovered write operations be stored in any way. In fact, at Col. 12, lines 48-52, Glider expressly states that “after all write operations occurring on drives within a logical unit...associated with a write request are completed, the time stamp and other information associated with that write request are *erased from the nonvolatile memory.*” (Emphasis added.)

Accordingly, the rejections of Claims 1, 12 and 22 should be withdrawn, and Claims 1, 12 and 22 are allowable as Glider fails to explicitly or implicitly teach, disclose, or suggest use of a system or method which stores the write journal log entries for write operations which were interrupted by a power instability.

Claims 2-11, 13-21 and 21-25 are believed to be allowable based on their dependence upon allowable base claims.

Pursuant to the above comments and amendments, the Applicant respectfully requests that the Examiner’s rejections of Claims 1 and 25 under 35 U.S.C. § 102 be withdrawn.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected Claims 5-9, 11 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Glider in view of the online publication “Online Exclusive: Discrete Memory Trade Off with ASIC Cells,” *EETimes Online*, 3 January 2002, by Dillon et al (Dillon).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Further, “to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, *the prior art reference (or references when combined) must teach or suggest all the claim limitations.*” (emphasis added) (MPEP § 2143). *If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious.* (emphasis added) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

As indicated in the foregoing *Claim Rejections – 35 USC § 102* section, the primary reference, Glider, fails to disclose, teach or suggest all the elements recited in independent Claims 1, 12 and 22, specifically that, following reissue of the recovered write operations, the write journal log entries for the recovered write operations are transferred to a storage device. Applicants respectfully submit that the ancillary reference Dillon does not cure the defects of Glider.

Dillon is cited for the disclosure of various design trade-offs for discrete and integrated memory components in ASIC designs. However, Dillon does not cure the defect of

Glider with respect to Claims 1, 12 and 22 as it does not explicitly or implicitly teach or suggest that, following reissue of the recovered write operations, write journal log entries for the recovered write operations are stored as recited in Claims 1, 12 and 22.

Pursuant to the above comments and amendments, the Applicant respectfully requests that the Examiner's rejections of Claims 5-9, 11 and 23 under 35 U.S.C. § 103 be withdrawn as they are believed to be allowable due to their dependence upon allowable base claims.

CONCLUSION

In light of the forgoing amendments and arguments, reconsideration of the claims is hereby requested, and a Notice of Allowance is earnestly solicited.

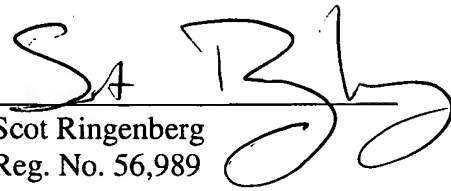
Respectfully submitted,

LSI Logic Corporation,

Dated: August 7, 2006

By: _____

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A handwritten signature in black ink, appearing to read 'S. Ringenberg', is written over a horizontal line. The signature is stylized with large, sweeping loops.

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